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Judicial Branch testimony neither for nor against LD 1660, An Act Creating a Private Right of Action Against a Government Employer:

Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide some brief testimony neither for nor against LD 1660.

The Judicial Branch takes no position on the merits of the bill. There is, however, an issue with new subsection 4684-D(8) involving judicial and legislative immunity that we would like to raise. While this subsection cross references Title 14, section 8104-B, its language is somewhat different. Specifically, subsection 8 reserves immunity for *judges* or *legislators*, but Title 14, section 8104-B is broader, providing for immunity for judicial and legislative *acts*, as well. We would respectfully suggest that the language be amended to be parallel, in order to avoid confusion. Possible amended language is provided below.

8. Judicial and legislative immunity. This section may not be construed to abrogate the immunity of governmental employees for any claims which result from the undertaking of legislative or judicial acts as defined by ~~of judges or legislators at any level of government pursuant to~~ Title 14, section 8104-B for actions taken in their judicial or legislative capacities.

Thank you for your consideration.